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EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या सी जाती है जिससे कि यह अलग संकलन के लिए रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 6th August, 1977:—

BILL NO. 91 OF 1977

A Bill to provide for the salary and allowances of Leaders of Opposition in Parliament.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, "Leader of the Opposition", in relation to either House of Parliament, means that member of the Council of States or the House of the People, as the case may be, who is, for the time being, the Leader in that House of the party in opposition to the Government having the greatest numerical strength and recognised as such by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

Explanation—Where there are two or more parties in opposition to the Government, in the Council of States or in the House of the People having the same numerical strength, the Chairman of the Council of States or the Speaker of the House of the People as the case may be, shall, having regard to the status of the parties, recognise any one of the Leaders of such parties as the Leader of the Opposition for the purposes of this section and such recognition shall be final and conclusive

Short title
and
commence-
ment.

Definition

Salary
of Leaders
of
Opposi-
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Residence
for Lea-
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Opposi-
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Travel-
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daily
allow-
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Leaders
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Medical
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Leaders
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3. There shall be paid to each Leader of the Opposition a salary of two thousand, two hundred and fifty rupees per mensem.

4. (1) Each Leader of the Opposition shall, so long as he continues as such Leader and for a period of one month immediately thereafter, be entitled without payment of rent to the use of a furnished residence and no charge shall fall on the Leader of the Opposition personally in respect of the maintenance of such residence.

(2) In the event of the death of a Leader of the Opposition, his family shall be entitled to the use of the furnished residence occupied by him—

(a) for a period of one month immediately after his death, without payment of rent and no charge shall fall on his family in respect of the maintenance of such residence, and

(b) for a further period of one month, on payment of rent at such rates as may be prescribed by rules made in this behalf by the Central Government and also charges in respect of electricity and water consumed in that residence during such further period.

Explanation.—For the purpose of this section, "residence" includes the staff quarters and other buildings appurtenant thereto, and the garden thereof, and "maintenance" in relation to a residence includes the payment of local rates and taxes and the provision of electricity and water.

5. Subject to any rules made in this behalf by the Central Government, a Leader of the Opposition shall be entitled to—

(a) Travelling allowances for himself and the members of his family and for the transport of his and his family's effects—

(i) in respect of the journey to Delhi from his usual place of residence outside Delhi for assuming office, and

(ii) in respect of the journey from Delhi to his usual place of residence outside Delhi on relinquishing office, and

(b) Travelling and daily allowances in respect of tours undertaken by him in the discharge of his duties as Leader of the Opposition, whether by sea, land or air.

6. Subject to any rules made in this behalf by the Central Government, a Leader of the Opposition and the members of his family shall be entitled free of charge to accommodation in hospitals maintained by the Government and also to medical treatment.

7. No Leader of the Opposition in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by Parliament by way of salary or allowance in respect of his membership of either House of Parliament.

8. (1) Subject to any rules made in this behalf by the Central Government, each Leader of the Opposition shall be entitled to telephone and secretarial facilities.

Amenities
to Lea-
ders of
Opposi-
tion.

(2) Subject to any rules made in this behalf by the Central Government, each Leader of the Opposition shall be entitled to a conveyance allowance of three hundred rupees per month.

9. The date on which any person became or ceased to be a Leader of the Opposition shall be published in the Official Gazette, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Leader of the Opposition on that date for all the purposes of this Act

Notifica-
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persons
became
or ceased
to be
Leaders
of Opposi-
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10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power
to make
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the rates at which rent shall be payable by the family of a deceased Leader of the Opposition to the use of the furnished residence occupied by him under clause (b) of sub-section (2) of section 4;

(b) the travelling and daily allowances admissible to a Leader of the Opposition under section 5;

(c) the medical treatment admissible to a Leader of the Opposition and the members of his family under section 6;

(d) the telephone and secretarial facilities admissible to a Leader of the Opposition and the conditions subject to which he shall be entitled to conveyance allowance under section 8.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. In the Salary, Allowances and Pension of Members of Parliament Act, 1954. —

(i) in clause (b) of section 2,—

(a) in sub-clause (i), the word "and" at the end shall be omitted;

Amend-
ment of
Act 30
of 1954

(b) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iii) a Leader of the Opposition as defined in the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977.”;

(ii) in the *Explanation* to sub-section (1) of section 6, after the words and figures “the Salaries and Allowances of Ministers Act, 1952.”, the words and figures “a Leader of the Opposition as defined in the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977.” shall be inserted;

(iii) in sub-section (4) of section 8A,—

(a) for the words “an officer of Parliament”, the words “as an officer of Parliament” shall be substituted; and

(b) for the words “, or both”, the words and figures “or as a Leader of the Opposition as defined in the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977, or has served in all or any two of such capacities” shall be substituted.

**Amend-
ment of
Act 10
of 1959.**

12. In the Parliament (Prevention of Disqualification) Act, 1959, in section 3,—

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) the office of a Leader of the Opposition in Parliament;”;

(ii) the *Explanation* at the end shall be numbered as *Explan-
ation 1*, and after *Explanation 1* as so numbered the following *Explanation* shall be inserted, namely:—

‘Explanation 2—In clause (aa), the expression “Leader of the Opposition” shall have the meaning assigned to it in the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977’.

STATEMENT OF OBJECTS AND REASONS

In a Parliamentary democracy, the leader of the opposition has an important role to play. In the United Kingdom, Australia and Canada, the leader of the opposition has been accorded statutory recognition. In India, a number of States have started giving facilities and amenities to the leaders of the opposition in the State Legislative Assemblies. Having regard to the important role of the leader of the opposition in a Parliamentary democracy, it is considered that the Leaders of Opposition in the House of the People and the Council of States should be accorded statutory recognition and given salary and certain other facilities and amenities to enable them to discharge their functions in Parliament. The Bill mainly seeks to achieve the above objects.

2 Certain consequential amendments to the Salary, Allowances and Pension of Members of Parliament Act, 1954 and the Parliament (Prevention of Disqualification) Act, 1959 are also being proposed in the Bill.

NEW DELHI;

RAVINDRA VARMA.

The 4th August, 1977.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment to each leader of the opposition a salary of two thousand, two hundred and fifty rupees per month, Clause 4 provides for housing facilities to each leader of the opposition. Clauses 5 and 6 of the Bill provide for travelling and daily allowances and medical treatment to each leader of the opposition. Under clause 8, each leader of the opposition shall be entitled to telephone and secretarial facilities as may be prescribed by rules. Clause 8 also provides for the payment of a conveyance allowance of three hundred rupees per month to each leader of the opposition.

2. Expenditure towards the payments, referred to above, cannot be estimated precisely. However, the expenditure will, approximately, be two lakh rupees per annum.

3. There will be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. Sub-clause (2) of this clause enables the Central Government to make rules to provide for the rates at which rent shall be payable by the family of a deceased Leader of the Opposition to the use of the furnished residence occupied by him, the travelling and daily allowances, the medical treatment and the telephone and secretarial facilities admissible to a Leader of the Opposition.

2. The matters in respect of which rules may be made are matters of procedure or detail. The delegation of legislative power is, therefore, of a normal character.

AVTAR SINGH RIKHY,
Secretary.

